

Message Text

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ORIGIN FAA-00

INFO OCT-01 EA-10 ISO-00 EB-08 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 L-03 INRE-00 /031 R

DRAFTED BY FAA:JSHAFFER:PMA
APPROVED BY EB/OA/AVP:AJWHITE
EA/J:HCOCHRAN

-----065853 212224Z /64

O 212157Z SEP 77
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: US/JAPANESE BILATERAL AIRWORTHINESS
AGREEMENT

REF: TOKYO 14329

1. FAA AND DEPARTMENT HAVE REVIEWED JAPANESE COUNTERDRAFT
TO US PROPOSAL FOR MODERNIZED US/JAPANESE BILATERAL
AIRWORTHINESS AGREEMENT. WHILE DEPARTMENT AND FAA
BELIEVE GOJ EFFORTS TO ELIMINATE REDUNDANCY ARE CONSTRUCTIVE
US HAS SOME DIFFICULTY WITH SUBSTANCE CONTAINED IN
CERTAIN PARAGRAPHS OF REWRITTEN COUNTERDRAFT.

2. OUR CONCERNS REGARDING GOJ COUNTERDRAFT ARE
AS FOLLOWS:

FIRST PARAGRAPH: FAA PREFERS TO CHANGE PHRASE QUOTE
ANY THIRD STATE UNQUOTE TO QUOTE A THIRD STATE UNQUOTE.
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SECOND PARAGRAPH: SAME COMMENT AS FOR PARAGRAPH ONE.
FAA ALSO BELIEVES GOJ TEXT FAILS TO MAKE CLEAR THAT
IMPORTING STATE MUST HAVE CERTIFIED OR APPROVED A
PRODUCT PRODUCED IN A THIRD STATE WHICH IS BEING EXPORTED
TO THE IMPORTING STATE. THIS POINT MADE CLEAR IN US
DRAFT TEXT.

FAA ALSO BELIEVES THAT WORDS QUOTE OR APPROVED UNQUOTE SHOULD BE RETAINED AFTER TERM QUOTE CERTIFICATED UNQUOTE BECAUSE WHILE US CERTIFICATES AIRCRAFT, ENGINES AND PROPELLERS, IT APPROVES PRODUCTS SUCH AS APPLIANCES. FINALLY FAA ALSO BELIEVES IT ESSENTIAL THAT EXPORTING STATE CERTIFY TO IMPORTING STATE AS TO PRESENT AIRWORTHINESS OF THIRD STATE PRODUCTS, AS PROVIDED IN PARAGRAPH 2B OF US TEXT.

THIRD PARAGRAPH: FAA RECOMMENDATION RE RETENTION OF WORDS QUOTE OR APPROVED UNQUOTE ALSO APPLIES TO THIRD PARAGRAPH.

FOURTH PARAGRAPH: FAA BELIEVES GOJ COUNTERDRAFT FAILS TO MAKE CLEAR RIGHT OF IMPORTING STATE TO REQUIRE ANY ADDITIONAL REQUIREMENTS, IN ADDITION TO MAKE PROMPT NOTIFICATION THEREOF, AS DID ORIGINAL US PROPOSED TEXT.

SIXTH PARAGRAPH: FAA BELIEVES TEXT SHOULD INCLUDE WORDS QUOTE OR APPROVED UNQUOTE AFTER TERM QUOTE CERTIFICATED UNQUOTE FOR REASONS CITED IN COMMENTARY RE PARAGRAPH TWO ABOVE.

EIGHTH PARAGRAPH: SAME SUGGESTION AS FOR PARAGRAPH SIX PLUS FAA BELIEVES PHRASE QUOTE WILL PREVAIL UNQUOTE SHOULD BE CHANGED TO QUOTE SHALL PREVAIL UNQUOTE AS IN LIMITED OFFICIAL USE

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THE ORIGINAL US TEXT BECAUSE OF MANDATORY NATURE OF THIS PROVISION.

NINTH PARAGRAPH: PARAGRAPH 9 H (II) NEEDS CLARIFICATION AS TO THE APPLICABILITY REQUIREMENTS OF THE EXPORTING STATE AS PER JCAB LTR OR MAY 4, 1976 TO FAA. FAA ALSO BELIEVES TEXT OF NINE (I) TOO BROAD AND SUGGEST FAA AND JCAB BE CITED BECAUSE THAT IS WHERE AIRWORTHINESS RESPONSIBILITY IN EACH GOVERNMENT EXISTS.

TENTH PARAGRAPH: FAA BELIEVES GOJ TEXT TOO NARROW BECAUSE MUTUAL ARRANGEMENTS TO IMPLEMENT AGREEMENT MAY BE NECESSARY FOR OTHER REASONS THAN TO ENSURE THAT REDUNDANT CERTIFICATION, TESTING AND ANALYSIS WILL BE AVOIDED.

ELEVENTH PARAGRAPH: FAA DOES NOT SEE NEED TO TAKE THIS FEATURE OUT OF PREAMBULAR TEXT AND INSERT INTO SUBSTANTIVE TEXT OF AGREEMENT.

TWELFTH PARAGRAPH: FAA NEEDS CLARIFICATION OF THE INTENT OF THIS PARAGRAPH IN AS MUCH AS IT COULD RENDER

THE INTENT OF THE ENTIRE AGREEMENT MEANINGLESS. FINALLY
FAA BELIEVES IT ESSENTIAL TO RETAIN PARAGRAPH ELEVEN OF
THE US PROPOSED TEXT BECAUSE IT PROVIDES THAT AUTHORITIES
ARE CURRENTLY IDENTIFIED AT ALL TIMES.

PLEASE PASS ABOVE COMMENTS IMMEDIATELY TO MOFA.

3. IN LIGHT OF RAPIDLY APPROACHING OCT. 1 EXPIRATION
DATE OF SFAR 26, WE HOPE JAPANESE CAN AGREE QUICKLY TO
MODIFICATIONS OUTLINED ABOVE. IF JAPANESE CONTINUE TO
HAVE PROBLEMS USG WOULD BE PREPARED TO MEET WITH
JAPANESE TEAM IN WASHINGTON NEXT WEEK TO RESOLVE ANY
DIFFERENCES AND COMPLETE FINAL TEXT. EMBASSY SHOULD SO
INFORM JAPANESE AND REPORT RESPONSE. VANCE
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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, AIR SAFETY, AVIATION REGULATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE227316
Document Source: CORE
Document Unique ID: 00
Drafter: JSCHAFFER:PMA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770343-1089
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770937/aaaabexk.tel
Line Count: 136
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 74f57240-c288-dd11-92da-001cc4696bcc
Office: ORIGIN FAA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
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Review Content Flags:
Review Date: 17-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1183248
Secure: OPEN
Status: NATIVE
Subject: US/JAPANESE BILATERAL AIRWORTHINESS AGREEMENT
TAGS: EAIR, JA
To: TOKYO
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/74f57240-c288-dd11-92da-001cc4696bcc
Review Markings:
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